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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/753,844	01/03/2001	Stephan Meyers	4925-55	3228
7590	01/27/2005		EXAMINER	
Michael C. Stuart, Esq. Cohen, Pontani, Lieberman & Pavane Suite 1210 551 Fifth Avenue New York, NY 10176			VU, THANH T	
		ART UNIT	PAPER NUMBER	
		2174		
DATE MAILED: 01/27/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Applicant No.</b>	<b>Applicant(s)</b>	
	09/753,844	MEYERS ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Thanh T. Vu	2174	

-- The MAILING DATE of this communication appears on the cover sheet with the corresponding address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE \_\_\_\_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 30 August 2004.

2a) This action is **FINAL**.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-5 and 14-24 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-5 and 14-24 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_

## **DETAILED ACTION**

This communication is responsive to Amendment, filed 08/30/2004.

Claims 1-5, 14, 15-24 are pending in this application. In the Amendment, claims 16-24 were added, and claims 1, 3, 4, and 14 were amended. This action is made Final.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-4, 14-15, 19-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Lynn (U.S. Pat. No 6,595,859).

Per claim 1, Lynn teaches a system for providing discretionary viewing control in displaying data, comprising:

a display for displaying data, the display comprising a plurality of pixels (col. 1, lines 50-53; col. 4, lines 63-67; col. 5, lines 15-30) and

an integrated circuit in connection with said display for processing said data (col. 4, lines 53-62),

wherein, for each of the plurality of pixels, said data comprises at least first and second portions of data that are linked together, the first portion including payload data (fig. 2 and 3; col.

1, lines 43-50; col. 5, lines 22-30) and the second portion including metadata (fig. 3; col. 1, lines 50-67),

wherein said payload data comprises content for the pixel (fig. 2 and 3; col. 1, lines 43-50; col. 5, lines 22-30) and said metadata comprises a value selected from a predefined set of values which classified the pixel independently for other pixels (fig. 3; col. 1, lines 50-67; col. 3, lines 14-25; col. 4, lines 10-24);

whereby, because each of the pixels are individually classified according to a particular metadata value selected from the predefined set of values, said integrated circuit is able to perform operation on individuals pixels based on their metadata (fig. 3; col. 1, lines 50-67; col. 3, lines 14-25; col. 4, lines 10-24).

Per claim 2, Lynn teaches the system claim 1, wherein the integrated circuit comprises a filter for one of blocking and obscuring the content of each of the plurality of pixels that has a metadata value that exceeds a discretionary threshold value without preventing the display of the content of the plurality of pixels that does not have a metadata value that exceeds the discretionary threshold value (col. 3, lines 14-25).

Claims 3-4 are rejected under the same rationale as claims 1-2 respectively.

Claim 14, is rejected under the same rationale as claim 1.

Per claim 15, Lynn teaches the data frame of claim 14, wherein the content comprises multiple channels of content (col. 1, lines 43-50; col. 5, lines 22-30).

Claim 19 is rejected under the same rationale as claim 1.

Per claim 20, Lynn teaches the system of claim 19, wherein the processing means comprises hardware, software and/or firmware (fig. 1b; col. 3, lines 43-65).

Per claim 21, Lynn teaches the system of claim 19, wherein the processing means comprises a graphic board, a browser of markup language documents, and/or an email program (figs. 2 and 3; col. 5, lines 43-65; col. 4, lines 20-24 and lines 39-45).

Per claim 22, Lynn teaches the system of claim 19, wherein the particular categories comprises violent content, pornographic content, and advertisements (figs. 2 and 3; col. 1, lines 43-50; col. 5, lines 22-26).

Claim 23 is rejected under the same rationale as claim 2.

#### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lynn (U.S. Pat. No 6,595,859) in view of Reilly (U.S. Pat. No. 6,580,422).

Per claim 5, Lynn teaches the method of claim 3, but does not teach wherein the display is a display on a wireless terminal, and the step of supplying data to the display comprises supplying said data to the display on the wireless terminal. However, Reilly teaches the display is a display on a wireless terminal, and the step of supplying data to the display comprises supplying said data to the display on the wireless terminal (col. 2, lines 1-10 and lines 23-29). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include the wireless computer as taught by Reilly in the invention of Lynn in order

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to provide users with transfer of display information to a remote computer through a wireless data link.

Claims 16-17, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lynn (U.S. Pat. No 6,595,859) in view of Blumenau (U.S. Pat. No. 6,108,637).

Per claim 16, Lynn teaches the system of claim 1, but does not teach wherein the integrated circuit comprises means for displaying a display metric, said display metric being the result of multiplying the number of pixels having certain metadata value by the amount of time the pixels are visible on the display. However Blumenau teaches the integrated circuit comprises means for displaying a display metric, said display metric being the result of multiplying the number of pixels having certain metadata value by the amount of time the pixels are visible on the display (fig. 4A-4F; col. 7, lines 9-30; col. 14, lines 1-19). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include the teaching of Blumenau in the invention of Lynn in order to determine as to whether and for how long the content display is fully or partially hidden by another displayed images. This information can be useful to indicate the amount of time that the content display was visible to an observer and to aid the content provider in determining which regions of a display screen the content is most likely to be unobstructed.

Claim 17 is rejected under the same rationale as claim 16.

Claim 24 is rejected under the same rationale as claim 16.

Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lynn (U.S. Pat. No 6,595,859) in view of Applicant Admitted Prior Art (AAPA).

Per claim 18, Lynn teaches the data frame of claim 14, but does not teach wherein the payload data comprises a red channel, a blue channel, a green channel, a Z-buffering channel, and an alpha channel. However, AAPA teaches the payload data comprises a red channel, a blue channel, a green channel, a Z-buffering channel, and an alpha channel (Page 6, lines 3-20). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include the teaching of Blumenau in the invention of Lynn in order for a computer to process and to display a desired mix of colors for images on a computer screen.

***Response to Arguments***

Applicant's arguments with respect to the amendment have been considered but are moot in view of the new ground(s) of rejection.

***Inquiries***

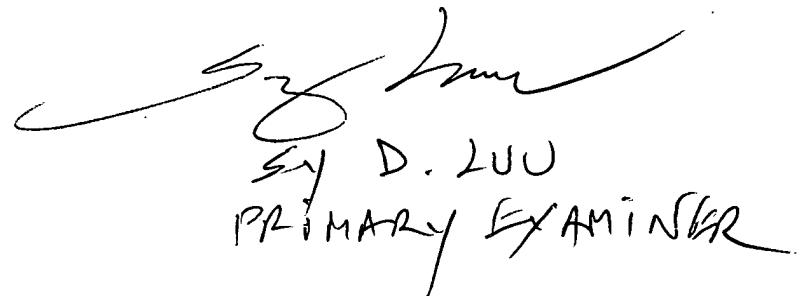
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanh T. Vu whose telephone number is (571) 272-4073. The examiner can normally be reached on Mon-Thur and every other Fri 8:30 AM - 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine L. Kincaid can be reached on (571) 272-4063. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

T. Vu



Sy D. Luu  
PRIMARY EXAMINER

A handwritten signature in black ink, appearing to read "Sy D. Luu". Below the signature, the words "PRIMARY EXAMINER" are written in capital letters.